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CORRES. CONTROL
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Department of Energy

ROCKY FLATS OFFICE
P.O. BOX 928
GOLDEN, COLORADO 80402-0928

SEP 08 1994

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94-DOE-09465
ROCKY FLATS PLANT
CORRESPONDENCE CONTROL

ACTION	
DIST.	LTR ENC
URLINGAME, A.H.	
USBY, W.S.	
ARNIVAL, G.J.	
ORDOVA, R.C.	
AVIS, J.G.	
ERRERA, D.W.	
RAY, R.E.	
EIS, J.A.	
LOVER, W.S.	
OLAN, P.M.	
ANNI, B.J.	
EALY, T.J.	
EDAH, T.G.	
ILBIG, J.G.	
UTCHINS, N.M.	
ACKSON, D.T.	
ELL, R.E.	
UESTER, A.W.	
ARX, G.E.	
CDONALD, M.M.	
CKENNA, F.G.	
ORGAN, R.V.	
IZZUTO, V.M.	
OTTER, G.L.	
ANDLIN, N.B.	
ATTERWHITE, D.G.	
CHUBERT, A.L.	
CHWARTZ, J.K.	
ETLOCK, G.H.	
TIGER, S.G.	X
OBIN, P.M.	
QORHEIS, G.M.	
ILSON, J.M.	
Peterman, B.	X
Thatcher, B.	X
TicKoar, K.	X
Cowdery, C.	X
Hollowell, L.	X

Mr. Joe Schieffelin, Unit Leader
Hazardous Waste Control Program
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80222-1530

Dear Mr. Schieffelin;

The Department of Energy (DOE) has reviewed the Colorado Department of Public Health and Environment's (CDPHE) letter of August 22, 1994, regarding the Operable Unit No. 9 (OU 9) active tanks. The DOE disagrees with CDPHE's request that the active permitted tanks, T-24 and T-32, be investigated and that other tanks, T-8 and T-9, be included in the investigation at this time. The DOE believes that investigation of the permitted T-24 and T-32 tanks will be wasteful of funds because the tanks will be investigated at the time of their closure and, in the interim, continued use may enhance the probability of recontamination. The T-8 and T-9 tanks are currently used for plenum deluge retention that supports the plant's vital safety systems.

Further, the request represents a change in the scope of work in the approved OU 9 Work Plan and Technical Memorandum No. 1 (TM 1). Specifically, Section 7.1 of the approved Work Plan states that "Tanks and pipelines which are active waste management units are not included in the scope of this Work Plan because their structures and associated soils will be addressed at the time of their closure in accordance with the RCRA Part B Permit...Some abandoned pipelines and tanks beneath buildings cannot practically be investigated at this time due to the nature of the Rocky Flats Environmental Technology Site and the potential for disruption of operations."

Investigations of these tanks at this time may disrupt operations, including those of vital safety systems. DOE, therefore, intends to implement the activities in the approved OU 9 Work Plan. If CDPHE disagrees with the position taken by DOE regarding these active tanks, then in the alternative, this is formal notice to invoke dispute pursuant to Part 12 of the Interagency Agreement (IAG).

Additionally, the CDPHE's letter of August 22, 1994, states that "Our approval to TM 1 was conditional and required a resolution of this issue (active tanks)." The DOE finds it unreasonable and punitive of CDPHE to effect a stop work on issues that are unrelated to the active tanks. The public interest is best served by CDPHE formally approving this TM and allowing DOE to proceed as soon as possible with all uncontested issues. Public funds spent to date on planning and implementing this work are jeopardized and will be wasted if work on the uncontested issues is long delayed.

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RECORD/080 X
ATST130G

Reviewed for Addressee
Corres. Control RFP

9-12-94 920
DATE BY

Ref Ltr. #

DOE ORDER # 5400.1

ADMIN RECORD

A-0009-000232

J. Schieffelin
94-DOE-09465

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SEP 08 1994

If you have any questions, please contact Regina Sarter of the Environmental Restoration staff at 966-7252.

Sincerely,



Steven W. Slaten
IAG Project Coordinator

cc:

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